

REMARKS

We trust that the examiner will now find the application to be in condition for allowance and reconsideration is respectfully requested. In this regard, the examiner will note that claim 1 has been amended to overcome the objections raised. A marked up version of the amended claim 1 is included in an Appendix attached hereto. In the marked-up claim 1, the words between brackets are being removed and those underlined are being added, by the amendment, which places the amended claim 1 into the form given above. It is respectfully submitted that this amendment requires no new search nor substantial reconsideration.

The Office Action has rejected claims 1-8 under 35 U.S.C. 102(b) as being anticipated by Takehara et al (U.S. Patent 5,384,634). Amended claim 1 of the present application indicates means for transferring the sheet bunch matched by said matching means toward another end opposite to said one end of said sheet bunch and subsequently after stapling transferring the sheet bunch stapled by said stapling means toward one said end. In the Takehara reference, processed sheets can be aligned in a cross-direction to the output path of the copies and stapled with a retractable stapler when received in the stacking bin (page 5 lines 43-62). The stacking bin with stapled sheets then moves vertically after the stapler is retracted back into the unit. This method requires a retractable stapler and limits the amount of stapled sections to the vertical movement of the accumulating tray. It is respectfully noted that the Takehara reference neither teaches or suggests that the transfer means transfer the sheet bunch in a direction before stapling and back to an original position after stapling as disclosed in amended claim 1 of the present application. With the difference in the movement of the sheet holders and the use of a retractable stapler, the Takehara reference teaches away from amended claim 1 of the present application; therefore, the Takehara reference does not disclose claim 1 of the present application. Since claims 2-8 of the

present application depend on the direction of transfer of the sheet bunch before and after stapling as a fundamental element, the Takehara reference would not anticipate claims 2-8 either.

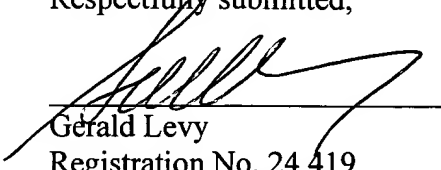
The Office Action has rejected claims 1-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 20 and 23 of Mimura U.S. Patent 5,997,239 in view of Takehara et al, U.S. Patent 5,381,634. Amended claim 1 of the present application indicates means for transferring the sheet bunch matched by said matching means toward another end opposite to said one end of the sheet bunch and subsequently after stapling transferring the sheet bunch stapled by means toward one said end. In the Mimura reference, the sheet stack can be stapled in different areas of the stack but the areas rely on the movement of the gripper (7) sending the sheet stack in one direction toward the accumulation tray (page 8, lines 49-55). Claims 19, 20, and 23 of the Mimura reference do not state means for returning stapled sheet bunch in a direction opposite to which the sheet bunch was received and would not be supported by the specification if it were stated. As a result, it is respectfully noted the Mimura reference neither teaches nor suggests the means of amended claim 1 of the present application. With the difference in movement of sheet holders and the use of a retractable stapler (page 5, lines 43-62), the Takehara reference would teach away from amended claim 1 of the present application.

Amended claim 1 would not be obvious over claims 19, 20, and 23 of the Mimura reference in view of the Takehara reference, since the Mimura reference does not suggest or teach transferring sheet bunches matched by said matching means towards another end opposite to said one end of said sheet bunch and subsequently after stapling transferring said sheet bunch to one said end; and the Takehara reference teaching away from the present application's method of transferring sheet bunches and stapling. Since claims 2-8 depend on the direction of transfer

of the sheet bunch before and after stapling as a fundamental element, claims 2-8 would also not be obvious over the Mimura reference in view of Takehara.

In view of the above, it is respectfully submitted that the claims as herein are patently distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,



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APPENDIX

1. (Twice Amended) A sheet post-processing device which comprises:
 - storage means for storing sheets conveyed from an image forming device;
 - matching means for regulating at least one end of a sheet bunch stored by said storage means to match the sheets stored by said storage means;
 - stapling means for stapling the sheet bunch matched by the matching means; and
 - transfer means for once transferring the sheet bunch matched by said matching means toward [an other] another end opposite to said one end of said sheet bunch and subsequently after stapling transferring the sheet bunch stapled by said stapling means toward said one end.